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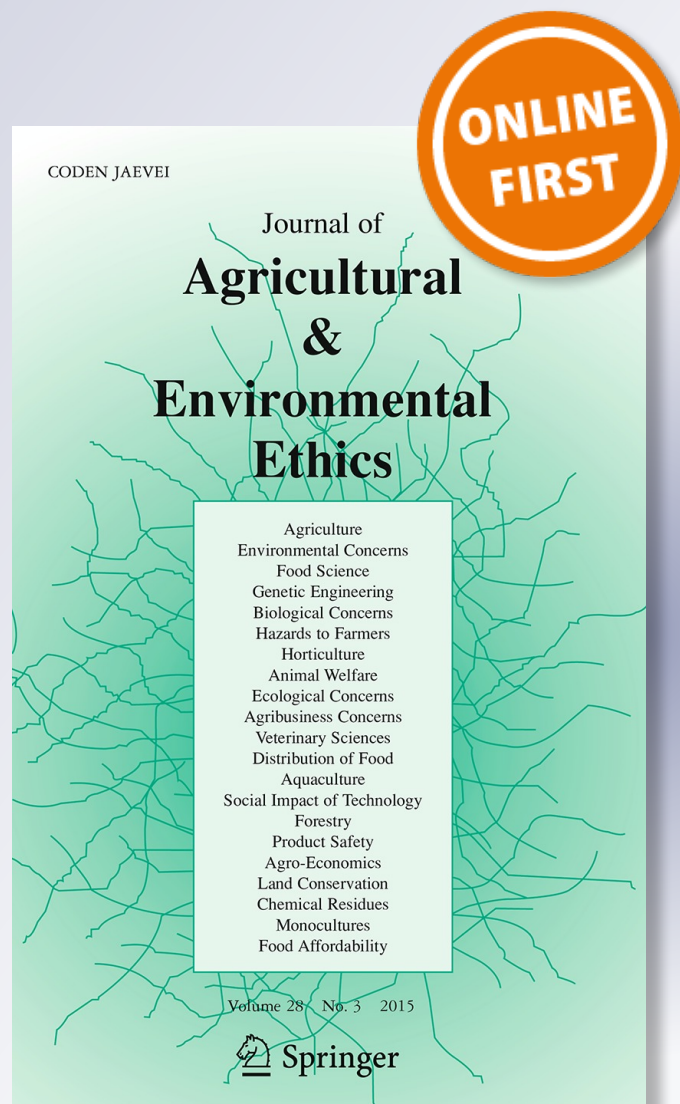
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In Defense of Eating Vegan

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Abstract In his article ‘In Defense of Eating Meat’, Timothy Hsiao argued that sentience is not sufficient for moral status, that the pain experienced by an animal is bad but not morally bad, that the nutritional interests of humans trump the interests of animals and that eating meat is permissible. In this article I explore the strengths and weaknesses of Hsiao’s argument, clarify some issues and argue that eating meat is likely in conflict with some of our strongest moral intuitions.

Keywords Animal ethics · Animal rights · Vegetarianism · Sentience

Introduction

‘In Defense of Eating Meat’ (Hsiao 2015) belongs to the new generation of arguments in favor of meat consumption, human exceptionalism and human prejudice (see also Chappell 2011; DiSilvestro 2010; Gunnarsson 2008; Kumar 2008; Lee and George 2008; Liao 2010; MacLean 2010; Williams 2006). Hsiao’s article makes a lot of interesting claims that have to be explored further. His article is important, in particular because it offers ideas that shed a new light on some deep issues in animal ethics. In this article I point at the strengths and weaknesses of Hsiao’s argument, clarify some issues and argue that eating meat is likely in conflict with some of our strongest moral intuitions. The latter means that this article can be considered as a defense of veganism.

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The Moral Communities of Agents and Patients

To study the moral status of animals, we first have to make a distinction between the community of moral agents and the community of moral patients. Of course both communities can be the same or can be strongly overlapping, but that needs justification that goes beyond mere intuition, as Hsiao recognizes. For reasons of clarity, let us start with pulling apart both notions.

The community of moral patients can be defined as the group of entities that have moral interests (or more specifically: the entities that have basic rights). Having a moral interest means that when something is bad (violates an interest), it is morally bad. For entities outside the community of patients, things can be bad, but not morally bad. Hence, if Hsiao argues that animals are not members of the moral community of patients, he can conclude that the pain of the animals is physically or mentally bad, but not morally bad.

I agree with Hsiao that the moral welfare interests of members of the moral community of patients trump the welfare interests of non-members because non-members do not have moral interests. I also agree that nutrition is a moral welfare interest for humans. Hence, Hsiao's defense of eating meat is valid if we assume that animals are not members of the community of patients, because in that case the welfare interests of animals can be trumped by the moral interests of humans.

The community of moral agents can be similarly defined as the group of entities that have moral responsibilities (or more specifically: the entities that have basic duties). Having a moral responsibility includes having particular duties towards members of the moral community of patients. The moral agents can give rights to the moral patients and are able to respect those rights.

In his article, Hsiao often speaks about only one moral community. That might result in some confusion or misinterpretation, as if he seems to assume in advance that both communities are the same. For example he states that: "The purpose of morality is to provide a code of conduct that those in the moral community can use to guide their behavior with the final aim of flourishing or living the good." (p. 284) Here, the moral community probably refers to the community of agents (because those agents can use a code of conduct), whereas the flourishing probably refers to the community of patients.

Hsiao basically referred to the purpose of morality to argue that both communities are equal (or strongly related¹). But even with this purpose of morality in mind, there is no logical reason why both communities *should* be the same (or *should* be related). Hsiao defines moral status in terms of a capacity to reason and according to this definition the equality or relation between both communities can be derived. But it doesn't solve the question why one *should* define moral status in that way. Nevertheless, it is at least not arbitrary or farfetched to define moral status in terms of a capacity to reason and to claim that the moral community of patients equals the moral community of agents. One could easily use

¹ In could interpret Hsiao's work in a way that the communities of moral agents and patients are not exactly the same but are strongly related. For example: the community of moral agents might be the group of beings who have a developed capacity of rational agency whereas the community of moral patients might be the group of beings who have a root capacity of moral agency.

an argument of simplicity or parsimony to justify equality of both communities. And one could straightforwardly refer to the purpose of morality to justify the definition moral status in terms of a capacity to reason. So let us assume for a moment that both communities are the same or strongly related.

The Natural Property of the Moral Community of Patients

An aspect that is often neglected in arguments but clearly addressed in Hsiao's article, is the question about the conditions for membership within a certain community. Those conditions are determined by that community's nature or purpose. For example if the community is a biological kind, the condition for membership refers to a natural property of that biological kind.

So the crucial question now becomes: what is the natural property of the moral community of patients? Most animal rights advocates and ethical vegetarians would refer to sentience as the natural property. We can denote moral community A as the group that consists of all sentient beings. Hsiao argued that aside from an intuition, there was no justification for choosing community A. In a later "[Sentience and the Universal Community of Moral Patients](#)" section will attempt to give a justification why sentience is morally relevant. If that justification is valid, we have a defense of eating vegan because the animals are included in moral community A.

According to Hsiao, the common factor of members of the moral community is the capacity for rational agency. So he can take moral community B that consists of individuals who have the ability to "know their own reasons for actions", because "moral action is free action" (p. 284). But what is knowing? There are several possible interpretations.

In a broad sense, knowing can be interpreted as sensation or experience. A dog knows what hunger is, because a dog can feel it. Hunger is a reason for action, for moving towards the food bowl. So a dog knows its reason for action. The dog is capable to know what he is pursuing (food) and that he is pursuing it: if the dog runs to the bowl but does not know that he is running to the bowl, he will behave like a blind dog and he will not be able to stop at the bowl. The action is still a free action, because the dog can choose to do something else. There is behavioral evidence that a dog is capable of deliberating and choosing for the sake of the good. When I call my dog to me, my dog clearly seems to hesitate for a moment: the dog is standing in the middle of the room, I am on one side of the room and the food is on the other side. The dog looks back and forth to me and the food bowl. Then he runs to me. This appears to be a free action, a deliberate choice. When he runs to me, he knows something about his desire and action. But clearly this is not what Hsiao meant with "knowing", because according to this interpretation all animals like dogs, pigs, chickens, cows and fish would belong to the moral community and the defense of eating meat is undermined.

A more restricted interpretation is that 'knowing' means 'conceptual understanding', for example knowing what it is to be hungry. A dog does not have an abstract concept of what it is to be hungry. So we have a third possibility for the moral community: moral community C consists of the entities that have the capacity for conceptual (abstract) understanding.

It is not immediately obvious why the second interpretation of ‘knowing’ instead of the first one is suitable to define the moral community. It is not clear why we should take moral community C instead of B. This requires further justification. Hsiao offers an interesting direction to look for a justification that the first interpretation is not sufficient to determine the moral community. Morality is about the pursuit of the good of those that belong to the moral community. Here the moral community refers to the community of patients. So morality includes the pursuit of the good of others. This means that one has to be able to know the good of others. And this requires a capacity for conceptual understanding or abstracting (“classifying, generalizing, and recombining concepts”). A dog is not able to do that.

This justification is based on the assumption that the moral community of patients equals the community of agents. Morality is about the rational pursuit of the good of moral patients and this morality only applies to moral agents who are able to rationally pursue the good of moral patients. Dogs are not able to rationally pursue the good of moral patients, so dogs do not belong to the community of moral agents. If the community of agents equals the community of patients, dogs are not moral patients. This doesn’t mean that dogs do not have a good that can be pursued. It is possible that a subject has a good but is not able to conceptually understand the good of others.

In a footnote, Hsiao restricts the moral community even further. Moral community D is the group of entities that have “the ability to critically reflect on their own actions, the ability to understand the idea of having made a mistake, the ability to improve their conduct for the proper reasons, and the ability to promulgate virtues to others.” (p. 286) It is not clear why we should add those further conditions, and it becomes a bit confusing and arbitrary to pick community D instead of C or B. This all relates to the problem of defining rational agency. There are many possible definitions and criteria, and we do not necessarily have to pick one now. The point is that dogs do not satisfy any of the possible definitions of rational agency. The choice between communities B, C and D might be a level of arbitrariness that we are willing to tolerate.

To summarize Hsiao’s argument: if the moral community of agents equals the community of patients (which requires justification but at least it can be assumed non-arbitrarily), and if the former consists of the entities that are rational agents (defined as for example being capable of abstracting, but this definition is a bit arbitrary), then it becomes clear that dogs and other non-human animals do not belong to the community of moral patients.

This can be assumed without too much appeal to intuition (although defining rational agency will most likely strongly appeal to intuition). But in his section on “Objections”, Hsiao seems to strongly appeal to intuitions concerning the problem of marginal cases such as mentally disabled humans.

The intuition is that mentally disabled humans should belong to the community of moral patients and hence that their pain is morally bad. But those humans do not have the capacity for rational agency or conceptual (abstract) understanding. Hsiao tries to solve this issue by making a distinction between several levels of capacities. “Although the aforementioned cases [the marginal cases of e.g. mentally disabled humans] lack an immediately exercisable capacity for rationality, they

nevertheless—in virtue of being a member of a certain natural kind—possess a root capacity for rational agency.” (p. 286) So Hsiao makes a distinction between root capacities and developed capacities. Capacities can have various degrees of realization, with fully developed capacities being the most realized.

We had a hierarchy of moral communities A to D. Let us pick community C. The level of development of a capacity now generates another hierarchy of moral communities.

Moral community C1: the entities that have the fully developed capacity for conceptual (abstract) understanding.

Moral community C2: the entities that have the less than fully developed capacity for conceptual (abstract) understanding.

And so forth for communities C3, C4,... Finally, Hsiao refers to an n'th level.

Moral community Cn: the entities that have the ultimate capacity for conceptual (abstract) understanding, where ultimate means: rooted in an organism's species-membership.

Hsiao argues that we have to pick this latter moral community, because if we pick C1, persons who are sleeping or drugged would no longer belong to the moral community (because they have no fully developed capacity for rational agency at that moment), and picking any of the other C's will be arbitrary.

In rejecting the choice for C1, Hsiao uses a moral intuition. This contradicts his rejection of intuitions. But there is a more serious objection: his choice for Cn, and in particular his explicit reference to species-membership, is highly arbitrary. This relates to his essentialist beliefs.

Essentialism Versus Darwinism

A common theme in the new generation of arguments for human exceptionalism and human prejudice, is essentialism (e.g. Chappell 2011; Kumar 2008; Lee and George 2008). Hsiao writes “grasping the essential nature of things” (p285) and “capacities originate from a nature or essence.” (p. 287) He believes that a natural essence relates to the species. For example: “the good is species-specific.” (p. 285) Essentialism is a believe that all and only the elements of a given set (e.g. a species) have a property—a common essence—that clearly determines or defines the set. The common property that Hsiao refers to, is the root capacity for rational agency: “Possession of a human nature is a sufficient condition for having the capacity for rational agency. All humans, including infants, the cognitively disabled, and those similarly situated possess the same set of root capacities” (p. 287).

The question becomes: how do we know whether someone has a root capacity? One important condition for a property that defines the moral community, is that the property should be empirical in the sense that we should have objective (scientific) criteria and methods to see whether the property is present. We have empirical methods based on behavioral observations and neurophysiology to see whether an entity is sentient or has a developed capacity for rational agency. But what can we do to see whether an entity has a non-developed root capacity? This property of a root capacity resembles the property of having a soul. Scientists can study consciousness (see e.g. the Cambridge Declaration on Consciousness 2012), but

they have no grasp on notions like a soul. We could merely state that all and only humans have a soul and that having a soul is necessary for belonging to the moral community. But this is a dangerous approach, because someone else can easily disagree and claim that only white people have a soul. There is no way to give evidence for such claims. A non-empirical property is not clearly falsifiable: we do not have a test to see whether a being has a soul.

Another approach is to refer to a biological property because those properties are clearly empirical. Hsiao often refers to the species. Looking at moral community Cn, we see the entities that have the capacity for conceptual (abstract) understanding rooted in their species-membership. According to a species essentialist, this seems non-arbitrary. But species essentialism violates modern Darwinian biology.

A reference to species is arbitrary, because next to the group of humans as a biological species, there are many other biological groups and classifications. There is a whole range of groups at different levels: populations (white people), subspecies (*Homo sapiens sapiens*), species (*Homo sapiens*), genus (*Homo*), family (great apes), infraorder (simians), order (primates), infraclass (placentals), class (mammals), subphylum (vertebrates), phylum (chordates), kingdom (animals). It is arbitrary to pick the species *Homo sapiens* out of this list. Here, arbitrariness is defined as having no non-circular rule that selects the property out of a multitude of similar kinds of properties. Being a human and being a primate are similar kinds of properties.

We can define a moral community Cn1 as the group of entities that have the capacity for conceptual (abstract) understanding rooted in their population-membership. Next, we have Cn2 that refers to subspecies-membership, Cn3 that refers to species-membership, and so forth. It is arbitrary to select Cn3 instead of e.g. Cn9. There is no reason to believe that species have essences and that e.g. classes do not. Humans have things in common, but so do mammals. Rational agents are humans, but they are also primates and vertebrates. The claim that a root capacity is associated with a species and not with e.g. an order or class, requires further justification.

If all members of the species *Homo sapiens* have a root capacity for rational agency or conceptual understanding, one could equally claim that all members of the phylum of chordates have a root capacity to breath underwater. If rational agency is part of the nature of *Homo sapiens*, one could equally claim that breathing underwater is part of the nature of chordates. Of course, a minority of *Homo sapiens* (e.g. some mentally handicapped humans) does not have the developed capacity for rational agency, so those humans are disabled. But the same can be said of the chordates that do not have the developed capacity to breath underwater. The land vertebrates (tetrapods such as birds and mammals) are a minority of the phylum of chordates, so they can be considered as disabled. Those tetrapods still have a non-developed root capacity to breath underwater, because they have remnants of gill slits (pharyngeal arches). The claim that humans are disabled chordates because humans have a non-developed root capacity to breath underwater, might seem weird. Most importantly, the knowledge that we have a root capacity to breath underwater doesn't help us at all when we fall into the water. Root capacities of phyla seem to be irrelevant when they are not developed.

So why should non-developed root capacities of species be morally relevant? There is nothing morally relevant about the biological notion of species. One of the many definitions of a species refers to the ability to have fertile offspring. So one could claim that an entity has a root capacity and therefore belongs to the moral community if it has close relatives² who could have had fertile offspring with someone else who has a fully developed capacity. The advantage of this approach is that it refers to empirical facts (fertility and being able to reproduce). But it seems to be a very artificial or arbitrary construction, because it raises the question: “What has fertility of offspring of close relatives got to do with the moral community?” A species notion that refers to fertility of potential offspring is not morally relevant.

The species notion faces more serious problems in modern evolutionary biology. Actually, a species can never be well-defined, because there are always possibilities for intermediates. First, there is the possible existence of interspecies hybrids, chimeras or genetically modified organisms.

A hybrid has parents that belong to two different species. Each of his cells has the DNA of both parents. Orca-dolphins, lion-tigers, lama-camels and many other hybrids already exist in captivity and in the wild. A chimera also has parents of two or more species. The difference with a hybrid is that the body of a chimera is composed of different types of cells, each type belonging to a different species. There exists a sheep-goat chimera: part of its body is sheep, another part is goat. It is not impossible that human-animal hybrids and chimera’s can be born, and with genetic modification everything becomes possible. There are no sharp boundaries between species, and this undermines essentialism.

Although human-animal hybrids, chimeras and genetically modified beings do not yet exist, our ancestors did exist. Humans, dogs and pigs have common ancestors. We can place all our ancestors in a row. On the far left is a modern human, in the middle is the most recent common ancestor of humans and pigs and on the far right is a modern pig. We see that all the intermediates between a human and a pig actually existed. Looking at this row of ancestors, we cannot see a clear boundary between humans and non-human animals. It is a contingent fact that those intermediates are now dead. If they were still alive, humans and pigs would form a so called ring species. In that case, notions like “human nature” would no longer make any sense because the group of humans cannot be clearly delineated. In this sense, evolutionary biology undermines speciesism that is based on species essentialism (see McMahan 2005; Rachels 1990).

The fuzzy boundaries between species is an example of Sorites paradox of the heap. If I start with one grain of sand and add extra grains of sand, at what point do I end up with a heap of sand? This is not merely an epistemic problem: even if I have full knowledge of the number of grains of sand, I am still not able to distinguish a heap from a non-heap. There is no essence related to a heap that allows us to sharply determine what a heap is. The same goes for a species, a notion that should be tackled with fuzzy logic. Even if we have full knowledge of all physical properties of all ancestors of modern humans, we are still not able to tell which of those

² I refer to the close relatives such as parents or siblings because the entity itself might happen to be infertile.

ancestors are human. The fuzzy boundaries are not merely the result of a lack of knowledge.

We can look at other notions that are related to species, such as ecological niches and genealogy. Using ecological niches to define root capacities also seems artificial and arbitrary, with fuzzy boundaries. Using genealogy might be a bit more elegant. We can say that an entity has a root capacity when it has an ancestor (e.g. a parent) who has a fully developed capacity. This is an empirical property and it simply assumes that a root capacity is inheritable.

This genealogical approach has some advantages. It can be used to clarify the notion of disability. Hsiao highlights this issue of disability: “Although they [e.g. mentally disabled humans] may lack the manifestations of those capacities, the very concepts of immaturity, disability, and mental illness presuppose the existence of capacities whose manifestations are blocked or destroyed. [...] We can think of moral patients as impoverished moral agents: moral patients have as part of their nature the exercise of rational agency” (p. 288).

Even if a dog and a mentally disabled human have the same level of mental capacities and lack rational agency, we say that the human is disabled and the dog is not. But how do we know that the human is disabled and the dog is not, if they share the same capacities? We can refer to an empirical property based on genealogy: an entity is disabled in terms of a capacity if it has an ancestor who has a fully developed capacity. The parents (or grandparents) of a mentally disabled human have or had a developed capacity for moral agency, so the disabled human has the root capacity.

This genealogical approach is clear (it refers to empirical facts) and simple (not farfetched), but it has some disadvantages as well. I have a strong moral intuition that a property that determines the moral community should be intrinsic: it should refer solely to the individual possessing the property and not to contingent circumstances. Circumstances are contingent when they can be different in other possible worlds (i.e. conceivable worlds without logical contradictions).

An example of a non-intrinsic property is the property of having certain privileged ancestors. It is conceivable that one has other ancestors in another possible world. Using the genealogical approach comes down to the claim that mentally disabled humans belong to the moral community because they have parents with certain capacities whereas dogs and pigs do not have ancestors with such capacities. In other words: mentally disabled humans are just lucky. They get rights and their interests matter morally, merely because they have parents who—unlike the disabled themselves—have developed rationality. The pigs, on the other hand, have bad luck: although a pig can be more intelligent and more sensitive than a mentally disabled human, that pig has the wrong parents, i.e. parents who lack developed rational agency.

According to my intuition, the basis for belonging to the moral community should be stronger. It should not depend on a happy coincidence that circumstances in this world are the way they are. Someone's rights should not depend on such luck, but should be valid in all possible worlds. Relying on intrinsic and non-contingent properties means that arbitrariness of the situation is avoided as much as possible. Of course, I explicitly referred to my intuition, realizing that Hsiao rejects intuitions.

Nevertheless, Hsiao's species essentialism is also based on intuitions. We cannot avoid moral intuitions.

Another problem of the genealogical approach is that it still remains a bit arbitrary. There is an arbitrariness in the time direction. Imagine an entity with a fully developed capacity for moral agency. Imagine that this developed capacity gets lost in his offspring: all of his offspring happen to be disabled in the sense that none of them has the developed capacity. And suppose that neither does any of his ancestors had the capacity. He was the first and last entity with the developed capacity. Why should all and only his offspring get the root capacity, and not all his ancestors, or both ancestors and offspring, or siblings and other relatives? We are disabled in the sense that we can no longer breath under water, although some of our ancestors had both lungs and gills. But why would this count as having a root capacity to breath underwater?

A final problem of the genealogical approach is that it is based on descent or ancestry. And that notion becomes ill defined when we open up the possibilities of genetic modification. What if we introduce genes of other parents into an organism? What if we create genes and embryo's? Imagine we have a fertilized egg of a non-human animal. Now we introduce a human gene into that egg. Does it become a human? What if we introduce two genes, or three, or thousand? If all those genes originate from someone who has a developed capacity of rational agency, does this embryo get a root capacity? Is it an offspring of this rational agent? These questions are difficult to answer because they are in some sense not empirical and not testable. So we end up again with the problem with which we started.

Sentience and the Universal Community of Moral Patients

Hsiao states that the defender of the vegetarian argument is committed to the claim that sentience is sufficient for conferring moral status. But he objects that it is not clear what the connection is supposed to be. The connection seems to appeal to intuition and Hsiao rejects appeals to intuition. On the other hand, we have seen that other ways to determine the moral community of patients, such as the property of species-membership, are arbitrary, fuzzy or unscientific. It is arbitrary to define rational agency as e.g. the capacity for conceptual (abstract) understanding, it is arbitrary to pick the species instead of e.g. the class or the phylum, it is arbitrary to claim that only offspring and not ancestors can have a root capacity, it is difficult to demarcate rational agency or humanity, it is farfetched to refer to fertility of offspring, and it is unscientific to believe in species essentialism because it contradicts Darwinian evolution.

So what can we do now? I suggest a completely new approach. Instead of determining the moral community, we should determine the basic rights and apply them to the most universal moral community of patients, namely the set of everyone and everything. The question is not "Who gets all the basic rights?" (i.e. who belongs to the moral community), but "Which rights should we (moral agents) give to all individuals and entities?"

The advantage of this approach is that we avoid all problems of arbitrariness and fuzziness in determining the moral community. We immediately extend the moral

community to everything, without arbitrary exceptions. The set of everything has no arbitrary or fuzzy boundaries.

Everyone and everything should get basic rights, but what are these rights? We can limit the discussion to the rights that refer to the interests that are important in Hsiao's article. One of the assumptions in the argument for vegetarianism, is: "It is wrong to cause pain without a morally good reason." (p. 278) Elsewhere in his article, Hsiao refers to the notion of harm. So we can introduce a basic right not to be unnecessarily harmed, where unnecessary means 'without a morally good reason' and harm means that things can go badly for something. For example a computer is harmed when it gets infected with a malicious program. But as Hsiao stressed: that kind of harm is not necessarily a moral harm. "A harm is just a setback to one or more of a being's welfare conditions, with the harm of pain consisting in the impairment of a subject's physical and mental well-being. This answer by itself is insufficient to establish sentence as morally salient, for clearly not all instances of harm are moral harms" (p. 283).

If everything gets the basic right not to be unnecessarily harmed, then infecting a computer for no good reason will become a moral harm. Perhaps writing in my book will become a moral harm, if the book has an interest not to be stained.

What the above notion of a basic right lacks, is a reference to preferences, to what an entity wants and does not want. You value what you want. What you want is important to you. If you want it very much, it might become so important that you would want it to be protected by a basic right. Hence, important preferences are the basis for basic rights.³ If you do not want to be killed, you may want a right not to be killed. But if being killed doesn't matter to you, the right to live would not matter either.

Why does a preference matter in a way that other conditions don't? Why are preferences important? By definition, a preference means that there is something that matters to someone, that there is something that is important to someone. With a preference, there is someone who wants or likes something. Without subjective preferences, nothing would matter to anyone.⁴

Hsiao might respond that a preference matters morally only when the subject has a conceptual understanding of the preference, i.e. when the subject is a rational being. Perhaps only rational preferences or conceptually understood preferences are

³ An anonymous reviewer asked the question whether perverse preferences count morally. Does violating a perverse preference violate a corresponding moral right? My answer is that moral agents can democratically decide whether perverse preferences are strong enough to deserve rights. My guess is that we would not base a right on a perverse preference that harms others, because that might give conflicts with other, more important preferences and rights.

⁴ An anonymous reviewer asked the question whether actual preferences or dispositional preferences count. Suppose I condition a slave into having no preference in living. Would it be wrong to kill that slave, if he has no longer an actual preference not to be killed? At time t₁, before the conditioning, the slave might have a preference not to be conditioned into having no preference in living. And the slave might have a preference that his later self at t₂ (after the conditioning) should not be killed. Hence, it would be wrong to condition that slave. Conditioning the slave is a moral harm. Killing the conditioned slave could still be a moral harm if you take the preference of the slave at time t₁ into account (which is according to my intuition). Otherwise it would be a non-moral harm. For a more in-depth discussion of preferences, see e.g. Shaw (1999).

morally relevant. This restriction is not farfetched. But like any other restriction to a criterion, also this restriction might require some further justification. And according to this restricted criterion, the non-rational preferences of mentally disabled humans do not matter morally, unless we use again the tricky notion of a non-developed root capacity for rational preferences that for some mysterious reason applies to all humans and only to humans.

We can't give a definite argument why we should care about preferences, but neither can we give a definite argument why morality should be about the rational pursuit of the good of moral patients or why the community of moral patients should equal the community of moral patients.

So we can refine our basic right to the right not to be unnecessarily harmed against one's will. Similarly, there is the right not to be killed against one's will, the right not to be used as a means against one's will, and so forth. But here the right that refers to harm will be sufficient.

If you reject these kinds of rights that refer to what the right holder wants, if you do not want an ethic that includes such rights, then you acknowledge that I do not have to take into account what you want and that I can reject your ethic as well. This relates to the principle of anti-arbitrariness. If you claim that a moral agent such as me does not have to take into account what someone else wants, then I do not have to take into account what you want. Rationally speaking, you cannot want that. And if you say that what you want is more important than equal wants of others, then your opinion becomes arbitrary, and that means that I am equally allowed to claim that what I want is more important than what you want. Again you cannot rationally want that.

So we can agree that the basic right not to be unnecessarily harmed against one's will is something we can rationally will. Now we have to give this right to everyone and everything in the universe, without arbitrary exceptions. Then we see that if an entity has no wants (no will), it doesn't matter what we do with it. We automatically respect its basic right. I can infect a computer with a malicious program just for fun, I do unnecessarily harm the computer in that way, but I do not do something that the computer does not want, because the computer is not capable to want something. In order to want something, a consciousness is necessary and the computer has no consciousness.

Similarly, if I kill you tonight during your sleep, I do not do something against the will of that sleeping individual. I do not violate the basic right of that sleeping person. But I do something that you, at this moment, do not want, so I violate your basic right that you have at this moment. Hence, unnecessarily killing you during your sleep violates your basic right that you have at this moment (when you are awake).

What about the dog? Unnecessarily harming a dog in the sense of causing unnecessary pain, is something that the dog does not want. It is against his will. So I violate his basic right. The same goes for pigs, chickens, fish and cows. Here we see why sentience becomes important: the basic right becomes non-trivial only towards sentient beings (defined as beings who have the capacity to want something). If an entity is not sentient and therefore has no conscious, subjective will, the basic right

is always trivially satisfied. No matter what we do, we never do something against the will of something that has no will.

In conclusion: I have derived why sentience is important. In this sense, I avoided the objection that picking sentience as a moral property is just an intuition. Actually, I appealed to two intuitions.

1. What you want is morally important. If you disagree with this, you shoot in your own foot, like saying that what you want is not what you want.
2. Arbitrariness is not permissible. If you disagree with this, you acknowledge that I am allowed to arbitrarily reject your ethic and your preferences.

If you reject the anti-arbitrariness condition, if for example you say that what you want is more important than what I want and that you are allowed to arbitrarily neglect what I want, then I am allowed to do the same thing to you. You can reply that you are more special or important than me and that therefore you are allowed to treat me in a way that I am not allowed to treat you. But again, If you are allowed to say that you are more special, then I am allowed to say that I am more special.

Combining the above two intuitions results in the golden rule. Hsiao may reject appeals to intuitions, but he cannot rationally want to reject the above two intuitions. Those intuitions imply that sentience is relevant, and hence we end up with the conclusion that we should eat vegan (because livestock animals are harmed against their will and we have plant-based alternatives that cause less harm).

Summary

Hsiao's argument in defense of eating meat requires the assumptions that the community of moral agents equals the community of moral patients and that the property that defines the community of moral agents is a certain level of a certain capacity that defines rational agency. The latter implies that there are ambiguities. First, what capacities define rational agency? As morality is about the pursuit of the good of those that belong to the moral community, it includes the pursuit of the good of others. Therefore one can argue that a moral agent should have the capacity to know the good of others and this requires a capacity for conceptual (abstract) understanding. However stronger or weaker criteria for rational agency are also possible. Second, what level of a capacity is important? Intuitions about the moral status of mentally disabled humans point at the direction that a root capacity instead of a developed capacity is important. But here we face a problem of essentialist beliefs about biological species. This kind of essentialism is in conflict with evolutionary biology and the focus on species is arbitrary because there are many other biological classifications or 'natural kinds' (e.g. the order of primates).

The intuition about the moral status of disabled humans can be saved by using a genealogical approach: all offspring of all rational agents have a root capacity for rational agency, even if they do not have a developed capacity. However, this goes at the cost of being an extrinsic property: mentally disabled humans belong to the

moral community, not because of some ability to know what is good (because they do not have that ability), but merely because they are lucky to have a right ancestor.

Still, the genealogical approach faces some problems. First, ancestry is not always well-defined, and second, it remains arbitrary to claim that only offspring and not ancestors or other relatives of rational agents can belong to the moral community. To avoid any arbitrariness and fuzziness, I suggest another approach: simply take the most universal community of moral patients: everyone and everything belongs to the moral community, without arbitrary exceptions. The basic right not to be unnecessarily harmed against one's will should be given to everything. As the basic right explicitly refers to someone's will, this basic right becomes non-trivial for sentient beings who by definition have a will. This is why the property of sentience is morally important. Combining the condition that we should avoid arbitrariness together with the intuition that what I want is morally important, we end up with a universal golden rule. As livestock animals are harmed against their will and we have plant-based alternatives that cause less harm, this golden rule implies that we should eat vegan.

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